

REMARKS

1. In response to the Office Action mailed April 8, 2004, Applicants respectfully request reconsideration. Claims 1-44 were originally presented for examination in this application. All claims were rejected in the outstanding office action. By the foregoing Amendments, claims 1, 16, 17, 18, 19, 20, 39 and 44 have been amended. No claims have been canceled or added. Thus, upon entry of this paper, claims 1-44 will be pending in this application. Based on the above Amendments and following Remarks, Applicants respectfully request that all outstanding objections and rejections be reconsidered, and that they be withdrawn.

Appeal Brief

2. Applicants note with appreciation the Examiner's indication that the finality of the office action dated April 8, 2004 has been withdrawn and that the application was returned to the Examiner for further prosecution.

3. However, in the current Office Action, the Examiner has rejected the same claims based on the same grounds as in the prior Office Actions from which the above Appeal was filed. Furthermore, the Examiner has failed to address the arguments made by Applicants in the Appeal Brief traversing these same rejections. Failing to address prior relevant arguments and simply restating prior rejections fails to advance prosecution and is in contradiction with the PTO mandate: "Where the applicants traverse any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it." (*See*, MPEP 707.07(f).)

Rejections Under 35 Under U.S.C. §103(a)

4. Claims 1-19 and 29-38 have been rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 5,594,858 to Blevins (hereinafter "Blevins") in view of "Assay Explorer: Bringing Screening Software Up to Speed," Jonathan Wingfield (Molecular Connection, Winter 2000), hereinafter "Wingfield." Specifically, the Examiner asserts that Blevins substantially teaches Applicants' invention as recited in independent claims 1 and 29. The Examiner acknowledges, however, that Blevins fails to

teach “providing one or more identifier[s] related to the use of the probe array used to acquire the biological information.” The Examiner then asserts that Blevins teaches identifiers (“data prompts are the identifiers related to the project”) by referring Applicants to column 10, lines 1-5 of Blevins in which Blevins states: “the selection portion 224 provides a list of data prompts related to processes associated with the particular project that may be selected by a user to create[] the unique control template or modify an existing control template.”

5. The Examiner then turns to Wingfield for the missing portion of the noted claim element, mainly probe arrays. For this, the Examiner asserts that Wingfield teaches “table1 with the experimental template comprising row id, plate id, ... and same as table 2 and 3.” From this somewhat incomprehensible quote (which is not found in Wingfield) the Examiner concludes that this “experimental template comprising data which were [analyzed] from the sample plates [] is the probe array of the claimed invention.”

6. Based on the above, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time the invention was made “to modify the probe array of Blevins to include experimental templates including identifier, defined attributes and the results analyzer to analyze the samples plates as taught by Wingfield” in order to create template to conduct biological experiment.”

7. Blevins is directed to process monitoring and control systems and, in particular, to a system for creating control templates that have attributes, methods, and graphical views associated therewith that can be selected by a user to design process control solutions and from which a user can create a unique display of a view such as an engineer's view, operator's view, controller's view, and the like. (*See*, Blevins, col. 1, lns. 16-26.) Process control as defined in Blevins “involves the use of instruments, control devices and systems for measuring and manipulating control elements such as valves to maintain one or more process variables, such as temperature, pressure and flow, at target values selected to achieve a desired objective of a process including the ... operation of machines and equipment utilized in the process. Process control systems have widespread application in the automation of industrial processes such as those used in chemical, petroleum, and manufacturing industries, for example.” (*See*, Blevins, col. 1, lns. 29-39.)

8. Each of the engineers, maintenance personnel, operators, lab personnel and the like, require a graphical view of the elements of the process control system that enables them to view the system in terms relevant to their responsibilities. (*See*, Blevins, col, 2, lns. 14-17.) For example, to control a specific process control function an engineer uses an engineer's view of the process to adjust parameters used by implementing microprocessor-based controllers. (*See*, Blevins, col, 1, lns. 40-56.) Software programs are also used to provide feedback in the form of an operator's display or view regarding the status of particular processes, to signal an alarm when a problem occurs, or to provide instructions or suggestions to an operator when a problem occurs. The operator who is responsible for the control process needs to view the process from that person's point of view. This is because systems that perform, monitor, control, and feedback functions in process control environments are typically implemented by software written in high-level computer programming languages that are not usually used or understood by process engineers, maintenance engineers, control engineers, operators and supervisors. Higher level graphical display languages have been developed for such personnel, such as continuous function block and ladder logic. (*See*, Blevins, col, 2, lns. 3-14.)

10. Turning now to the specific assertions regarding the teachings of Blevins, the Examiner asserts, as noted, that Blevins teaches "receiving a specification of an attribute for at least one of the one or more identifiers" as claimed. The recited "one or more identifiers" is preceded by the word "the," referring to the prior introduction of the term "one or more identifiers" in Applicants' claim. This is found in the prior element of claim 1, in which the "one or more identifiers" are claimed to be "related to the use of a probe array used to acquire the biological information." Thus, the claim term should be read as *"receiving a specification of an attribute for at least one of the one or more identifiers related to the use of a probe array used to acquire the biological information."*

11. In contrast to the Examiner's assertions, Blevins neither discloses, teaches nor suggests receiving a specification of an attribute for [an] identifier related to the use of a probe array used to acquire biological information. Rather, Blevins is directed to creating control templates that have attributes, methods, and graphical views associated therewith that can be selected by a user to generate design process control solutions and from which

a user can create a unique display of a view such as an engineer's view, operator's view, controller's view, and the like, as noted above.

12. The Examiner also asserts that Blevins teaches "... generating a data template including at least one of the one or more identifiers, wherein the data template is configured to receive a value for each at least one identifier, said value representing the attribute specified for that identifier for the biological experiment ..." as recited in Applicants' claim 1. For the reasons noted above, Blevins fails to teach or suggest providing a data template configured to receive Applicants' identifiers as claimed. In addition, this element of claim 1 explicitly recites that the values received by the data template represent an attribute "specified for that identifier for the biological experiment ..." (emphasis added). Since Blevins teaches only creating user-type-specific control templates for process monitoring and control systems, and neither teaches nor suggests managing information, particularly biological information, Applicants respectfully submit that Blevins also fails to teach this element of Applicants' claimed invention.

13. The Examiner asserts that Blevins teaches "... receiving by the data template a value for the at least one identifier in accordance with the attribute specified for the identifier ..." as claimed. This assertion is also misplaced. The Examiner cites col. 17, lines 7-10 in support of this assertion. There, Blevins states "[t]he smart field 1018 can provide information to the user regarding the value of an input or output or may even provide a real time chart of trend data relating to input or output data values." (See, Blevins, col. 17, lns. 7-10.) As stated and as shown in FIG. 10 of Blevins, this is a display of a value of a previously defined input or output. (See, Blevins, col. 16, lns. 60-67.) Displaying previously defined values in no way is analogous to "receiving a value for an identifier in accordance with an attribute specified for that identifier." Blevins, therefore, fails to disclose, teach or suggest this limitation of Applicants' claim 1.

14. Wingfield fails to teach or suggest that which is missing from Blevins. Wingfield is directed to a conventional biological data management software package. There is no teaching or suggestion in Wingfield to "[receive] a specification of at least one attribute of a selected at least one of the one or more identifiers; and [to generate] a data template including at least one of the one or more identifiers, wherein the data template is configured to receive a value for each at least one identifier, said value representing the

attribute specified for that identifier for the biological experiment..." as recited in Applicants' claim 1.

15. Thus, for at least the reasons noted above, Applicants respectfully assert that, contrary to the Examiner's assertions, Blevins taken alone or in combination with Wingfield fails to teach or suggest Applicants' claimed invention as recited in claim 1. For at least this reason, Applicants respectfully assert that the Examiner has failed to support the Section 103 rejection of independent claim 1. Accordingly, Applicants respectfully assert that for at least these reasons the Section 103 rejection of Applicants' claim 1 should be reconsidered and withdrawn.

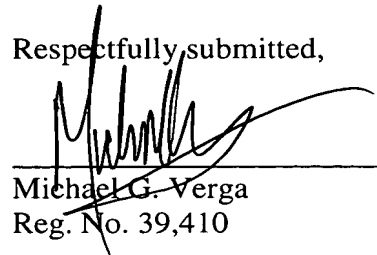
16. For reasons similar to those noted above, Applicants respectfully request that the Section 103 rejection of independent claims 20, 29, 39 and 44 be reconsidered and withdrawn.

17. The dependent claims depend directly or indirectly from their respective base claim and are allowable for at least the same reasons as those noted above. Further, Applicants submit that each of these dependent claims are also patentable in and of themselves because they each recite features that are not anticipated nor rendered obvious by the art of record.

Conclusions

18. In view of the foregoing Amendments, this application should now be in condition for allowance. A notice to this effect is respectfully requested.

Respectfully submitted,



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